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2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Articles III (3) and IV, and the sixth and seventh preambular paragraphs, especially in their relationship to article III (1), (2) and (4) and the fourth and fifth preambular paragraphs (nuclear safety)

Working paper submitted by Australia, Austria, Canada, Denmark, Finland, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden ("the Vienna Group of Ten")

Draft review language

1. The Conference acknowledges the primary responsibility of individual States for maintaining the safety of nuclear installations within their territories, or under their jurisdiction, and the crucial importance of an adequate national technical, human and regulatory infrastructure in nuclear, radiation, transport and radioactive waste safety management. Noting that international cooperation and coordination on all safety-related matters is also indispensable, the Conference encourages the intensification of national measures and international cooperation in order to strengthen nuclear and radiation safety, including the efforts of the International Atomic Energy Agency (IAEA) in this regard.

2. The Conference urges all member States commissioning, constructing or planning nuclear power reactors or considering nuclear power programmes to become party to the Convention on Nuclear Safety, and would welcome a voluntary application of the relevant provisions of the Convention to other nuclear installations dedicated to the peaceful uses of nuclear energy. The Conference also encourages the application by member States of IAEA safety standards and codes to improve national nuclear, radiation, transport and waste safety infrastructures.

3. The Conference endorses the IAEA regulations for the safe transport of radioactive material and affirms that it is in the interests of all States that the transportation of radioactive materials be conducted in compliance with international standards of safety, security and environmental protection. The Conference takes note of the concerns of small island developing States and other coastal States with regard to the transportation of radioactive materials by sea and, in this regard, welcomes efforts to improve communication between shipping and

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coastal States for the purpose of addressing concerns regarding transport safety, security and emergency preparedness.

4. The Conference stresses the importance of having effective early notification, assistance and liability mechanisms in place to insure against harm to human health, the environment and actual economic loss due to a nuclear or radiological accident or incident and urges all States that have not yet done so to become party to the Convention on Early Notification of a Nuclear Accident and to the Convention on Assistance in Case of a Nuclear Accident or Radiological Emergency. The Conference encourages relevant States give consideration to adherence to the international instruments relating to liability for nuclear damage.

5. The Conference urges member States to become party to the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, and to actively further efforts to develop and implement disposal and long-term storage solutions for spent fuel and high-level radioactive waste. The Conference encourages IAEA in its work on radioactive waste management solutions, including further implementation of the IAEA action plan on the safety of radioactive waste management.

Annex

Working paper: nuclear safety

1. The Vienna Group of Ten (hereafter "the Vienna Group") notes that a demonstrated global record of safety in all activities throughout the nuclear fuel cycle is a key element for the peaceful uses of nuclear energy and that continuous efforts are needed to ensure that all elements of safety culture are maintained at the optimal level. Although safety is a national responsibility, international cooperation is vital for the exchange of knowledge and learning from best practices.

2. The Vienna Group affirms that the Non-Proliferation Treaty can help to ensure that international cooperation in nuclear safety will take place in an appropriate non-proliferation framework. The Group acknowledges the primary responsibility of individual States for the safety of nuclear installations within their territories, or under their jurisdiction, and the crucial importance of an effective national technical, human and regulatory infrastructure in nuclear, radiation, transport and radioactive waste safety management.

3. The Vienna Group stresses the important role of the International Atomic Energy Agency (IAEA) in enhancing nuclear, radiation, transport and waste safety through its various safety programmes and initiatives and in promoting international cooperation in this regard. The Group reaffirms the importance of States developing and improving their national nuclear, radiation, transport and waste safety infrastructures.

4. The Vienna Group endorses the work of the IAEA Commission on Safety Standards and the Safety Standards Committees in the preparation of internationally recognized safety fundamentals, requirements and guides. The IAEA Fundamental Safety Principles, approved in September 2006, continue to provide a unified conceptual basis for the ongoing development of safety standards. The Group welcomes the work that has been started by the Commission to review the overall structure of IAEA safety standards, and to revise, and where possible, improve the International Basic Safety Standards for Protection against Ionizing Radiation and for the Safety of Radiation Sources.

5. The Vienna Group welcomes and endorses the Convention on Nuclear Safety and urges all States constructing or planning nuclear power reactors, or considering a nuclear power programme, which have not yet taken the necessary steps to become a party to the Convention, to do so. The Group notes that all States currently operating nuclear power plants are party to the Convention. The Group highlights the need to avoid complacency regarding safety, the importance of the independence of the regulatory body, and the challenges concerning the availability of well-trained staff, and acknowledges the active role of the IAEA secretariat in highlighting key issues and trends.

6. The Vienna Group welcomes the adoption by IAEA of the Code of Conduct on the Safety of Research Reactors and endorses the guidance set out therein on the safe management of research reactors. The Group urges States to apply the guidance in the Code and the relevant safety standards to the management of research reactors. The Group recognizes that there are a number of ongoing challenges for the safety of research reactors, including the ageing of facilities and the availability of well-trained staff.

7. The Vienna Group endorses the activities of IAEA directed towards strengthening nuclear safety in operating power and research reactors. Specific activities include international peer review services, such as the Engineering Safety Review Services, the Operational Safety Review Team, the International Probabilistic Safety Assessments Review Team, the International Regulatory Review Service, the Integrated Safety Assessment of Research Reactors and the Safety Culture Assessment Review Team, and support to the regulatory bodies and other relevant areas of the infrastructure of States through technical assistance programmes.

8. The Vienna Group welcomes implementation by the IAEA secretariat of the Plan of Activities on the Radiation Protection of the Environment, including through the formation and ongoing meetings of the Coordination Group on Radiation Protection of the Environment, which facilitates the coordination of activities related to the protection of non-human species and advises IAEA on the implementation of the Plan of Activities. The Group encourages further cooperation between IAEA and relevant international organizations and stakeholders in promoting a coherent international policy regarding the radiological protection of the environment.

9. The Vienna Group welcomes the efforts of the United Nations Scientific Committee on the Effects of Atomic Radiation to assess and report on the levels and effects of exposure to ionizing radiation and also welcomes the consideration by IAEA of the Committee's scientific results. The Group notes that many States parties rely on Committee estimates as the scientific basis for evaluating radiation risk and for establishing protective measures.

10. The Vienna Group welcomes the adoption by the IAEA Board of Governors of the Code of Conduct on the Safety and Security of Radioactive Sources and supports the comprehensive action plan for its implementation, which was subsequently adopted by the Board. The Group welcomes the approval by the IAEA Board of Governors on the Guidance on the Import and Export of Radioactive Sources and recalls that the IAEA General Conference has encouraged States to act in accordance with the Guidance on a harmonized basis. The Group calls upon all States parties to make a political commitment to the Code and the Guidance and to subsequently implement it. The Group looks forward to the Open-ended Meeting of Technical and Legal Experts for Sharing of Information as to States' Implementation of the Code of Conduct on the Safety and Security of Radioactive Sources and its supplementary Guidance on the Import and Export of Radioactive Sources to be held by IAEA in Vienna in May 2010.

11. The Vienna Group commends IAEA efforts in waste management and endorses IAEA programmes to assist member States in this area through, inter alia, safety standards for the handling of radioactive waste, peer reviews and technical assistance activities. The Group notes the outcomes of the third Review meeting of the Contracting Parties to the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management held in Vienna in May 2009. The Group welcomes progress made in implementing the IAEA action plan on the safety of radioactive waste management. The Group welcomes the progress made towards achieving disposal and long-term storage solutions for spent fuel and high-level radioactive waste.

12. The Vienna Group notes the importance of remediating the various nuclear legacy challenges and encourages IAEA to facilitate ongoing international efforts in this regard.

13. The Vienna Group notes the adoption of the 1997 Protocol to Amend the 1963 Vienna Convention on Civil Liability for Nuclear Damage, the Convention on Supplementary Compensation for Nuclear Damage and the 2004 Protocol to Amend the 1960 Paris Convention on Third Party Liability in the Field of Nuclear Energy, and encourages relevant States that have not yet done so to give consideration to adherence to those instruments.

14. The Vienna Group stresses the importance of having effective liability mechanisms in place to insure against harm to human health and the environment as well as actual economic loss due to an accident or incident during the maritime transport of radioactive materials. The Group welcomes the valuable work of the IAEA International Expert Group on Nuclear Liability, including the examination of the application and scope of the IAEA nuclear liability regime and the consideration and identification of further specific actions to address any gaps in scope and coverage of the regime.

15. The Vienna Group recognizes that nuclear and radiological incidents and emergencies, and acts with malicious intent associated with nuclear and radiological terrorism, may lead to significant radiological consequences over wide geographical areas, generate a pressing need for authoritative information to address public and media concerns and require an international response. The Group urges all States that have not yet done so to take the necessary steps to become parties to the Convention on Early Notification of a Nuclear Accident and to the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency.

16. The Vienna Group welcomes the implementation of the IAEA action plan for strengthening the international preparedness and response system for nuclear and radiological emergencies, looks forward to its further implementation and encourages further measures to improve the overall international emergency response capability, particularly with regard to potential incidents during transport. The Group welcomes the establishment and ongoing work of the IAEA Incident and Emergency Centre, which serves as the IAEA focal point for responding to nuclear or radiological incidents and emergencies and for promoting improvement in emergency response and preparedness.

17. The Vienna Group welcomes IAEA addressing the issue of denials of shipments of radioactive materials and the formation of the International Steering Committee on denial of shipments of radioactive material to coordinate international efforts aimed at resolving issues related to the denial of shipments. The Group welcomes the focus of the action plan on the promotion of communication and training and urges the secretariat to actively facilitate the work of the Steering Committee. The Group encourages further cooperation with other bodies associated with the transport of dangerous goods, including the International Civil Aviation Organization and the International Maritime Organization.

18. The Vienna Group reaffirms maritime and air navigation rights and freedoms, as provided for in international law and as reflected in relevant international instruments, and stresses the importance of international cooperation to enhance the safety of international navigation. The Group welcomes implementation of the

IAEA action plan on the safety of the transport of radioactive materials, commends States that have made use of the IAEA Transport Appraisal Service and encourages other States to avail themselves of those services and to improve transport practices. The Group affirms that it is in the interests of all States that the maritime and other transportation of radioactive materials be conducted in compliance with international standards of safety, security and environmental protection and that States have under international law the obligation to protect and preserve the maritime environment.

19. The Vienna Group notes concerns about a potential accident or incident during the transport of radioactive materials by sea and about the importance of the protection of people, human health and the environment as well as protection from actual economic loss as defined in international law due to an accident or incident. The Group welcomes the practice of some shipping States and operators of providing in a timely manner information and responses to relevant coastal States in advance of shipments of radioactive materials for the purpose of addressing concerns regarding safety and security, including emergency preparedness. The Group welcomes informal discussions on communication between shipping States and relevant coastal States with IAEA involvement, notes the intention to hold further discussions with IAEA involvement and looks forward to progress towards understanding and addressing the concerns of coastal and shipping States. The Group also welcomes discussions at the bilateral level between relevant shipping and coastal States on issues of mutual concern.